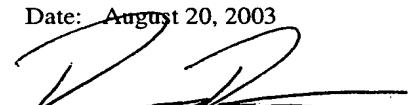




PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants : Chamberlain, et al.
Ser. No. : 09/659,924
Filed : September 12, 2000
Title : GAMING MACHINE WITH
HOPPER AND PRINTER
Art Unit : 2876
Examiner : J. Franklin

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Date: August 20, 2003

Randall G. Rueth
Registration No. 45,887

APPEAL BRIEF TRANSMITTAL

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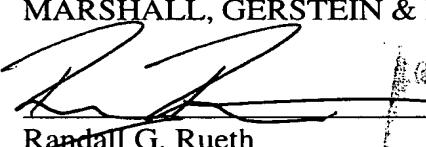
Sir:

Three copies of the appeal brief for the appeal taken to the Board of Patent Appeals and Interferences in connection with the present application are submitted herewith. A check in the amount of \$320 for the fee for filing the appeal brief under 37 C.F.R. §1.17(c) is enclosed.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

By:



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Date: August 20, 2003

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#21 Appeal
Brief
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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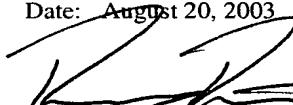
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Examiner : J. Franklin

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APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This appeal brief is submitted pursuant to the Notice of Appeal filed June 9, 2003 in connection with the present application.

(1) REAL PARTY IN INTEREST

The real party in interest is International Game Technology, the assignee of rights in the present application via an assignment recorded in the Patent Office at Reel 012594, Frame 0638.

(2) RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

(3) STATUS OF CLAIMS

All claims in the application, claims 26-41 stand rejected. The claims are reproduced in the Appendix set forth below.

(4) STATUS OF AMENDMENTS

Subsequent to the final rejection, an Amendment After Final was mailed on March 31, 2002 in which claims 19-25 were cancelled. However, it is unclear whether the

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Amendment After Final was officially entered by the examiner. If the Amendment After Final was not entered and claims 19-25 were not cancelled, those claims may be cancelled by an Examiner's Amendment.

(5) SUMMARY OF INVENTION

The invention is directed to a gaming apparatus which enables an operator and/or player to select the form of the pay; either by coins, or by a ticket. The gaming apparatus may include a touch screen video display that is capable of generating video images; a value input device; a hopper; a cashless payout apparatus and a plurality of player input switches 26 (Fig. 1). The plurality of player input switches 26 and/or the touch screen may be utilized by the player to input into the system an indication of the portion of a cash out that the player wants paid out in coin via the hopper and the portion of the cash out that the player wants paid out in the form of a cashless medium via the cashless payout apparatus.

The gaming apparatus may be programmed to determine a player cash out amount, compare the player cash out amount to a coin pay limit, and to determine if a split pay option is available. The gaming apparatus is also programmed to receive a distribution input from a player corresponding to the player cash out amount if the split pay option is available, wherein the distribution input is a portion of the player cash out amount that the player wants to receive from the hopper. Additionally, the gaming apparatus is programmed to pay to the player a first amount equal to the distribution amount from the hopper and to pay to the player a second amount equal to the player cash out amount minus the distribution amount utilizing the cashless payout apparatus, if the split pay option is available. The gaming apparatus may also be programmed to pay to the player the cash out amount from the hopper if the player cash out amount is less than or equal to the coin pay limit.

(6) ISSUES

- A. Whether A *Prima Facie* Case of Anticipation Of Claims 26 and 36 Has Been Made.
- B. Whether A *Prima Facie* Case of Anticipation Of Claim 32 Has Been Made.
- C. Whether A *Prima Facie* Case of Anticipation Of Claims 27 and 37 Has Been Made.
- D. Whether A *Prima Facie* Case of Anticipation Of Claims 28 and 38 Has Been Made.

- E. Whether A *Prima Facie* Case of Anticipation Of Claims 29 and 39 Has Been Made.
- F. Whether A *Prima Facie* Case of Anticipation Of Claims 30 and 40 Has Been Made.
- G. Whether A *Prima Facie* Case of Anticipation Of Claims 31, 35 and 41 Has Been Made.
- H. Whether A *Prima Facie* Case of Anticipation Of Claims 33 and 34 Has Been Made.

(7) GROUPING OF CLAIMS

All claims in the application do not stand or fall together, and the claims are separately argued below in the following groups: A. Claims 26 and 36; B. Claim 32; C. Claims 27 and 37; D. Claims 28 and 38; E. Claims 29 and 39; F. Claims 30 and 40; G. Claims 31, 35, and 41; and H. Claims 33 and 34.

(8) ARGUMENT

A. A *Prima Facie* Case of Anticipation Of Claims 26 and 36 Has Not Been Made.

Independent claim 26 is set forth below:

26. A gaming apparatus, comprising:
a video display that is capable of generating video images;
a value input device;
a hopper; and
a cashless payout apparatus;
said gaming apparatus being programmed to determine a player cash out amount,
said gaming apparatus being programmed to determine if a split pay option is available,
said gaming apparatus being programmed to receive a distribution input from a player corresponding to said player cash out amount if said split pay option is available, said distribution input being a portion of said player cash out amount that said player wants to receive from said hopper, and
said gaming apparatus being programmed to pay to said player a first amount equal to said distribution amount from said hopper and to pay to said player a second amount equal to said player cash out amount minus said distribution amount utilizing said cashless payout apparatus, if said split pay option is available.

As indicated by the above underlining, claim 26 is directed to a gaming apparatus that is programmed to determine if a split pay option is available to a player after a player cash

out amount has been determined. The gaming apparatus is further programmed to be receptive to a distribution input from the player at the gaming apparatus when the split pay option is available. The distribution input corresponds to the player cash out amount and is a portion of the player cash out amount that the player wants to receive from a hopper. The gaming apparatus is further programmed to pay to the player a first amount from the hopper that is equal to the distribution amount, and to pay to the player a second amount utilizing a cashless payout apparatus that is equal to the player cash out amount minus the distribution amount, if the split pay option is available.

In the final Office Action, claim 26 was rejected under §102 as being unpatentable over U.S. Patent No. 6,253,119 to Dabrowski. An Amendment After Final was mailed on March 31, 2003 and was considered by the Examiner. On April 14, 2003 the Examiner telephoned Randall G. Rueth, an attorney for applicant, to discuss the Amendment After Final. The Examiner agreed in that telephone call that there was at least one element in each of the independent claims 26, 32, and 36 that was not present in Dabrowski. The Examiner maintained her rejection however, under the theory that claims 26-41, which were added in response to the first Office Action, were apparatus claims and that the elements in the claims beginning with "said gaming apparatus being programmed to ..." did not add any new structure to the gaming apparatus. The Examiner stated that the elements at issue in the claims that were missing from Dabrowski were merely functional language, and citing MPEP 2114, the Examiner stated that claims must be distinguished from the prior art in terms of structure and not function, thus maintaining the rejection.

Applicant respectfully submits that the relevant recitations discussed above are structural in nature and not merely functional, such as an intended use of a device, as the Examiner has stated. It is submitted that the language in the "gaming apparatus being programmed to" paragraphs in the claims structurally defines the gaming apparatus and must be considered in assessing patentability. For several decades, U.S. courts have consistently held that the computer programming, which controls the operation of the computer, imparts structure. For example, in In re Noll, 191 U.S.P.Q. 721, 726 (C.C.P.A. 1976), the court stated:

There is nothing abstract about the claimed invention. It comprises physical structure, including storage devices and electrical components uniquely configured to performed specified functions through the physical properties of electrical circuits to achieve controlled results. Appellant's programmed machine is structurally different from a machine without that program. (emphasis added)

See also In re Alappat, 31 U.S.P.Q.2d 1545, 1558 (Fed. Cir. 1994), where the Federal Circuit stated:

We have held that such programming creates a new machine, because a general purpose computer in effect becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software.

Thus, in the context of programmed computers, the claimed manner in which a computer operates imparts a structural difference to the computer. Consequently, it is respectfully submitted that the recitations in the claims that specify how the gaming apparatus is programmed to operate structurally define the gaming apparatus and must be considered in determining the patentability of the claimed invention.

It is respectfully submitted that, while it is permissible for the Examiner to give claim recitations their broadest reasonable interpretation in construing a claim, it is not proper to completely ignore entire paragraphs of a claim. Furthermore, even if the recitation of claim 26 is considered to be a “functional limitation,” such recitation must be considered. See, for example, Ex parte Bylund, 217 U.S.P.Q. 492, 498 (PTO Bd. of App. 1981), where the Patent Office Board of Appeals stated: “Although we have sustained several of the Examiner’s rejections we here wish to specifically note that contrary to the Examiner’s assertions, functional language in the claims must be given full weight and may not be disregarded in evaluating the patentability of the subject matter defined employing such functional language.” (emphasis added)

The final Office Action does not specifically address where any of the claim recitations at issue in claim 26 are disclosed in Dabrowski, and there does not appear to be such disclosure in Dabrowski. It is respectfully submitted that the Examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability, and that the Examiner has not met that burden in the final Office Action.

The Dabrowski patent appears to generally disclose a gaming device having a coin payout device and a scrip dispensing device, wherein the gaming device automatically provides a player with a combination of scrip and one or more coins/tokens. It further appears as though the device disclosed in Dabrowski does not include any type of device that would provide a player with the ability to input into the gaming device the player’s desired form of a cash out, in terms of a first amount in the form of coins and a second amount in the form of scrip (i.e. a ticket, a voucher, a credit, etc.).

Specifically, Dabrowski discloses

"... a first embodiment, when the user elects to cash out, the user is given a single unit of scrip with a value equal to the entire cashout value. In this embodiment, the bar code on the next scrip unit in the scrip dispensing unit is scanned and transmitted to the intranet server 108. The Intranet server 108 stores the bar code information and associates the stored bar code information with a cashout value. When the user inserts the dispensed scrip into another machine, the bar code is scanned, and transmitted to the Intranet server 108. The cashout value associated with the bar code is determined, and transmitted to the scrip dispensing device computer 232. The scrip dispensing device computer 232 determines the number of credits to be awarded, and, using the interface module 218, provides one or more coin accept signals on the coin accept communication path 212B as required to provide the required number of credits."

and

"... a second embodiment, when the user elects to cashout, the player is provided with a combination of scrip (which may be one or more individual scrip units) and one or more coins/tokens. In this embodiment, when a cashout signal is detected, the coin payout device 210H is deactivated by interrupting the coin payout enable signal and the coin payout quantity signal. A computation is performed to determine how much of the cashout value will be dispersed in scrip and how much will be dispersed in coin. After this determination is made, the appropriate number of coins are dispensed by providing a substituted coin payout quantity signal, and a coin payout enable signal to the coin payout device 210H. The appropriate value of scrip is then dispensed by dispensing one or more scrip cards. The bar code of each scrip card is scanned, and the information obtained therefrom is then provided to the Intranet server 108 before the scrip is dispensed. Each unit of scrip may have a pre-assigned value (in which case more than one scrip unit may be required, but the value of the scrip to be dispensed need not be stored in the database), or may be assigned in accordance with the cashout balance.

From the underlined portions of the above two paragraphs of Dabrowski, it appears that the gaming device in Dabrowski, and possibly a controller, "computes" or "determines" how to divide the player's cash out between scrip and coin. In other words, it appears that the gaming device in Dabrowski, and not the player, that determines what percentage or amount of the player's cash out amount will be paid in the form of scrip and what percentage or amount will be paid in coin/cash. Furthermore, the only type of apparatus that Dabrowski discloses with respect to a cash out or pay out to the player is a cashout selector 210D which

is described as "a simple switch that the user can depress when they are finished using the gaming device." Thus Dabrowski does not disclose any type of apparatus that would allow the player to input into the system a specific split in the cash out amount between scrip and coin/cash.¹

It is therefore respectfully submitted that Dabrowski does not appear to disclose programming a gaming apparatus to first determine if a split pay option is available, then receive a distribution input from a player corresponding to a player cash out amount if the split pay option is available, and then pay to the player a first amount equal to the distribution amount from the hopper and to pay to the player a second amount equal to the player cash out amount minus the distribution amount utilizing a cashless payout apparatus.

Therefore, the invention recited in independent claim 26 is not anticipated by Dabrowski and the rejection is erroneous. In view of the foregoing, it is respectfully submitted that the anticipation rejection of claim 26 is not proper.

Independent claim 36 contains language that is substantially identical to the relevant recitations in claim 26². Therefore, it is also respectfully submitted that claim 36 is not anticipated by Dabrowski.

¹ The final Office Action did not point out in particular where Dabrowski discloses the various recitations of claim 26. If the Examiner disagrees with Appellants' statements of what Dabrowski does not disclose, she is respectfully invited to point out where such disclosure exists in Dabrowski.

² Claim 36 has three fewer words in the last element than in claim 26. The relevant portions are otherwise identical. The last element from claim 26 is reproduced below with the three words not present in the last element of claim 36 in brackets: "said gaming apparatus being programmed to pay to said player a first amount equal to said distribution amount from said hopper and to pay [to said player] a second amount equal to said player cash out amount minus said distribution amount utilizing said cashless payout apparatus, if said split pay option is available."

B. A *Prima Facie* Case of Anticipation Of Claim 32 Has Not Been Made.

Independent claim 32 is set forth below:

A gaming apparatus, comprising:
a video display that is capable of generating video images;
a value input device;
a hopper; and
a cashless payout apparatus;
said gaming apparatus being programmed to determine a player cash out amount,
said gaming apparatus being programmed to determine a first default payout amount for said hopper and a second default payout amount for said cashless payout apparatus,
said gaming apparatus being programmed to determine if a player is allowed to modify said first and said second payout amounts,
said gaming apparatus being programmed to receive an input from said player, said input corresponding to a first modified payout amount to be paid to said player from said hopper and a second modified payout amount to be paid to said player from said cashless payout apparatus, wherein the sum of said first modified payout amount and said second payout amount equals said cash out amount, and
said gaming apparatus being programmed to pay to said player said first modified payout amount from said hopper and to pay said second modified payout amount utilizing said cashless payout apparatus.

As indicated by the underlining, claim 32 is directed to a gaming apparatus being programmed to determine if a player is allowed to modify a first default payout amount for a hopper and a second default payout amount for a cashless payout apparatus. The gaming apparatus is programmed to receive an input from the player corresponding to a first modified payout amount that is to be paid to the player from the hopper and a second modified payout amount that is to be paid to the player from the cashless payout apparatus. The sum of the first modified payout amount and the second modified payout amount equaling the player's cash out amount. Claim 32 is also directed to a gaming apparatus being programmed to pay to the player the first modified payout amount from the hopper and to pay the second modified payout amount utilizing the cashless payout apparatus.

In the final Office Action, claim 32 was also rejected under §102 as being unpatentable over Dabrowski. As with claims 26 and 36, the Examiner maintained her

rejection under the theory that claim 32 was an apparatus claim and that the above mentioned recitations did not add any new structure. The Examiner stated that the elements at issue in the claim 32 that were missing from Dabrowski were merely functional language, and that claim 32 must be distinguished from the prior art in terms of structure and not function.

Applicant respectfully submits that the relevant recitations in claim 32 are structural in nature and not merely functional, as the Examiner has stated. For the reasons discussed with reference to claims 26 and 36, it is submitted that the recitations in claim 32 that specify the operation of the gaming apparatus structurally define the gaming apparatus and must be considered in determining the patentability of the claimed invention.

As should be apparent from above, Dabrowski does not appear to disclose any type of functionality that would allow a player to input into the gaming device instructions corresponding to the division of a cash out between scrip and coin. In fact, the only disclosure in Dabrowski related to a player cash out option appears to be the description of the single cashout selector 210D which is typically "a simple switch." Furthermore, the final Office Action does not specifically state where any of the claim recitations mentioned above with respect to claim 32 are disclosed in Dabrowski, and there does not appear to be such disclosure in Dabrowski. In view of the foregoing, it is respectfully submitted that a proper *prima facie* case of anticipation has not been made in connection with claim 32 for at least the reasons noted above.

C. A *Prima Facie* Case of Anticipation Of Claims 27 and 37 Has Not Been Made.

Dependent claim 27 is set forth below:

A gaming apparatus as defined in claim 26 wherein said gaming apparatus is programmed to determine a first default payout amount for said hopper and a second default payout amount for said cashless payout apparatus.

Dependent claim 37 adds an identical recitation as that of claim 27. The plain ordinary meaning of the dependent claims 27 and 37 requires a gaming apparatus that is programmed to determine a first and second default payout amounts. The first default payout amount is for a hopper and the second default payout amount is for the cashless payout apparatus. The final Office Action does not specifically address where the claim recitations presented in claims 27 and 37 are disclosed in Dabrowski, nor does there appear to be any

such disclosure. In view of the foregoing, it is respectfully submitted that no *prima facie* case of anticipation of claims 27 and 37 has been made.

D. A *Prima Facie* Case of Anticipation Of Claims 28 and 38 Has Not Been Made.

Dependent claim 28 is set forth below:

A gaming apparatus as defined in claim 27, wherein said gaming apparatus is programmed to allow said player to adjust said first default payout amount and said second default payout amount.

Dependent claim 38 adds an identical recitation as that of claim 28. The plain ordinary meaning of the dependent claims 28 and 38 requires a gaming apparatus that is programmed to allow a player to adjust or modify a first default payout amount and a second default payout amount. The final Office Action does not specifically address where the claim recitations presented in claims 28 and 38 are disclosed in Dabrowski, and there does not appear to be any such disclosure in Dabrowski. In view of the foregoing, it is respectfully submitted that no *prima facie* case of anticipation of claims 28 and 38 has been made.

E. A *Prima Facie* Case of Anticipation Of Claims 29 and 39 Has Not Been Made.

Dependent claim 29 is set forth below:

A gaming apparatus as defined in claim 26, wherein said gaming apparatus is programmed to compare said player cash out amount to a coin pay limit.

Dependent claim 39 adds an identical recitation as that of claim 29. The plain ordinary meaning of dependent claims 29 and 39 requires a gaming apparatus that is programmed to compare a player cash out amount to a coin pay limit. The final Office Action does not specifically address where the claim recitations presented in claims 29 and 39 are disclosed in Dabrowski, nor does there appear to be any such disclosure. In fact, Dabrowski appears to teach a contrary method of cashing out a player in that:

"the microprocessor 206, which has access to the cashout balance, simpl[y] decrements the cashout balance by one coin each time a coin is dispensed by the coin payout device 210H. When the cashout balance has been decremented to zero, the

microprocessor 206 disables the coin payout device 210H by suitably changing the payout enable signal 214H."

In view of the foregoing, it is respectfully submitted that a proper *prima facie* case of anticipation has not been made in connection with claims 29 and 39 for at least the reasons noted above.

F. A *Prima Facie* Case of Anticipation Of Claims 30 and 40 Has Not Been Made.

Dependent claim 30 is set forth below:

A gaming apparatus as defined in claim 29, wherein said gaming apparatus is programmed to pay to said player said cash out amount from said hopper if said player cash out amount is less than or equal to said coin pay limit.

Dependent claim 40 adds an identical recitation as that of claim 30. The plain ordinary meaning of the dependent claims 30 and 40 requires a gaming apparatus that is programmed to pay to a player a cash out amount from a hopper if the player cash out amount is less than or equal to a coin pay limit. The final Office Action does not point where the claim recitations presented in claims 30 and 40 are disclosed in Dabrowski, nor does there appear to be any such disclosure in Dabrowski. In view of the foregoing, it is respectfully submitted that no *prima facie* case of anticipation of claims 30 and 40 has been made.

G. A *Prima Facie* Case of Anticipation Of Claims 31, 35 and 41 Has Not Been Made.

Dependent claim 31 is set forth below:

A gaming apparatus as defined in claim 26, wherein said gaming apparatus is programmed to pay to said player said cash out amount from said hopper if said cashless payout apparatus is not available.

Dependent claims 35 and 41 add an identical recitation as that of claim 31. The plain ordinary meaning of the dependent claims 31, 35, and 41 requires a gaming apparatus that is programmed to pay to a player a cash out amount from a hopper if a cashless payout apparatus is not available. The final Office Action does not specifically point to where the claim recitations presented in claims 31, 35, and 41 are disclosed in Dabrowski, and there

does not appear to be any such disclosure in Dabrowski. Therefore, it is respectfully submitted that no *prima facie* case of anticipation of claims 31, 35, and 41 has been made.

H. A *Prima Facie* Case of Anticipation Of Claims 33 and 34 Has Not Been Made.

Dependent claims 33 and 34 are set forth below:

33. A gaming apparatus as defined in claim 32, wherein said gaming apparatus is programmed to determine if said first modified payout amount exceeds a hopper limit.

34. A gaming apparatus as defined in claim 33, wherein said gaming apparatus is programmed to pay to said player said first modified payout amount from said hopper if said first modified payout amount is less than or equal to said hopper limit.

As indicated by the above underlining, dependent claims 33 and 34 are directed to a gaming apparatus that is programmed to determine if a first modified payout amount exceeds a hopper limit and to pay to the player the first modified payout amount from a hopper if the first modified payout amount is less than or equal to the hopper limit. The final Office Action does not specifically address where the claim recitations presented in claims 33 and 34 are disclosed in Dabrowski, nor does there appear to be any such disclosure in Dabrowski. In view of the foregoing, it is respectfully submitted that no *prima facie* case of anticipation of claims 33 and 34 has been made.

(9) CONCLUSION

For the foregoing reasons, it is respectfully submitted that all of the rejections set forth in the final Office Action are erroneous. Appellants therefore request that the rejection of the claims be reversed.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

Date: August 20, 2003

By:

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APPENDIX

26. A gaming apparatus, comprising:
a video display that is capable of generating video images;
a value input device;
a hopper; and
a cashless payout apparatus;
said gaming apparatus being programmed to determine a player cash out amount,

 said gaming apparatus being programmed to determine if a split pay option is available,

 said gaming apparatus being programmed to receive a distribution input from a player corresponding to said player cash out amount if said split pay option is available, said distribution input being a portion of said player cash out amount that said player wants to receive from said hopper, and

 said gaming apparatus being programmed to pay to said player a first amount equal to said distribution amount from said hopper and to pay to said player a second amount equal to said player cash out amount minus said distribution amount utilizing said cashless payout apparatus, if said split pay option is available.

27. A gaming apparatus as defined in claim 26, wherein said gaming apparatus is programmed to determine a first default payout amount for said hopper and a second default payout amount for said cashless payout apparatus.

28. A gaming apparatus as defined in claim 27, wherein said gaming apparatus is programmed to allow said player to adjust said first default payout amount and said second default payout amount.

29. A gaming apparatus as defined in claim 26, wherein said gaming apparatus is programmed to compare said player cash out amount to a coin pay limit.

30. A gaming apparatus as defined in claim 29, wherein said gaming apparatus is programmed to pay to said player said cash out amount from said hopper if said player cash out amount is less than or equal to said coin pay limit.

31. A gaming apparatus as defined in claim 26, wherein said gaming apparatus is programmed to pay to said player said cash out amount from said hopper if said cashless payout apparatus is not available.

32. A gaming apparatus, comprising:

- a video display that is capable of generating video images;
- a value input device;
- a hopper; and
- a cashless payout apparatus;

said gaming apparatus being programmed to determine a player cash out amount,

said gaming apparatus being programmed to determine a first default payout amount for said hopper and a second default payout amount for said cashless payout apparatus,

said gaming apparatus being programmed to determine if a player is allowed to modify said first and said second payout amounts,

said gaming apparatus being programmed to receive an input from said player, said input corresponding to a first modified payout amount to be paid to said player from said hopper and a second modified payout amount to be paid to said player from said cashless payout apparatus, wherein the sum of said first modified payout amount and said second payout amount equals said cash out amount, and

said gaming apparatus being programmed to pay to said player said first modified payout amount from said hopper and to pay said second modified payout amount utilizing said cashless payout apparatus.

33. A gaming apparatus as defined in claim 32, wherein said gaming apparatus is programmed to determine if said first modified payout amount exceeds a hopper limit.

34. A gaming apparatus as defined in claim 33, wherein said gaming apparatus is programmed to pay to said player said first modified payout amount from said hopper if said first modified payout amount is less than or equal to said hopper limit.

35. A gaming apparatus as defined in claim 32, wherein said gaming apparatus is programmed to pay to said player said cash out amount from said hopper if said cashless payout apparatus is not available.

36. A gaming apparatus, comprising:
a value input device;
a mechanically rotatable wheel;
a hopper; and
a cashless payout apparatus;
said gaming apparatus being programmed to determine a player cash out amount,

 said gaming apparatus being programmed to determine if a split pay option is available,

 said gaming apparatus being programmed to receive a distribution input from a player corresponding to said player cash out amount if said split pay option is available, said distribution input being a portion of said player cash out amount that said player wants to receive from said hopper, and

 said gaming apparatus being programmed to pay to said player a first amount equal to said distribution amount from said hopper and to pay a second amount equal to said player cash out amount minus said distribution amount utilizing said cashless payout apparatus, if said split pay option is available.

37. A gaming apparatus as defined in claim 36, wherein said gaming apparatus is programmed to determine a first default payout amount for said hopper and a second default payout amount for said cashless payout apparatus.

38. A gaming apparatus as defined in claim 37, wherein said gaming apparatus is programmed to allow said player to adjust said first default payout amount and said second default payout amount.

39. A gaming apparatus as defined in claim 36, wherein said gaming apparatus is programmed to compare said player cash out amount to a coin pay limit.

40. A gaming apparatus as defined in claim 39, wherein said gaming apparatus is programmed to pay to said player said cash out amount from said hopper if said player cash out amount is less than or equal to said coin pay limit.

41. A gaming apparatus as defined in claim 36, wherein said gaming apparatus is programmed to pay to said player said cash out amount from said hopper if said cashless payout apparatus is not available.